

16 March 1973

Milton E. Wertz, Esq.
Office of General Counsel
General Accounting Office
Washington, D. C. 20548

Dear Mr. Wertz:

Pursuant to our telephone conversation of 15 March 1973,
I am enclosing certain material.

1. Congressional Record extract of Mr. Holifield's
discussion of his investigation into this matter. He
discusses the New York incident in some detail. Also
in that item from the Congressional Record is Mr.
Holifield's letter to our Director and our Director's
response.

2. Representative Koch's letter to the Agency of
December 28, 1972, and our response of 29 January
1973.

It would appear that all the information you need is contained
in these enclosures. In addition, I would like to assure you that the
Agency does not run a formal institution for training of police officers
in the manner of the FBI Academy [redacted] I trust
the above will be helpful.

25X1

Respectfully,

[redacted]

25X1A

John S. Warner
Deputy General Counsel

Enclosures

cc: OLC w/o enclosures

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H 1352

CONGRESSIONAL RECORD—HOUSE

March 5, 1973

It is the national government which, in the face of the savage hostility of great corporations and of many states, finally provided labor with a Bill of Rights, wiped out child labor, regulated hours and set minimum wages, and spread over workers the mantle of social justice. Ask the workingmen of America if they prefer to rely on the voluntarism of private enterprise rather than on government.

It is the national government that first launched the campaign to conserve the natural resources of the nation and that is now embarked upon a vast program to curb pollution and waste, and to save the waters and the soil for future generations—a program which Mr. Nixon's new federalism is prepared to frustrate. Ask conservationists whether they can rely on the states, or on voluntary action, to resist giant oil, timber, coal and mineral interests for the fulfillment of their fiduciary obligations to future generations.

It is the national government, not the voluntarism of the American Medical Association that finally brought about social security and medicare—just as in Britain, France, Scandinavia and Germany it was government, not private interests, that established socialized medicine. It is the national government, not states or private enterprise (which did their best to kill it) that finally provided social security for the victims of our economic system. Ask the old, the poor, the unemployed, the "perishing classes of society" whether they wish to go back to the voluntarism of private charity or the hazard of local welfare.

It is the national government, through national courts, which has imposed "due process of law" on local police authorities, and on the almost arbitrary standards of many states. We have only to compare the administration of justice and of prisons in local and federal jurisdictions to realize that many of the values of voluntarism and localism are sentimental rather than real.

It is the national government not the local which through its almost limitless resources has finally acted to ameliorate the awful inequalities on public education at all levels. And it is the national government which has, in recent years, given vigorous support to the arts, music, libraries, higher education and research in every part of the country.

Now these and many other achievements of nationalism in the arena of health, welfare, conservation, economic equality, and justice are not to be explained on some theory that those who work for the nation are more compassionate than those who work on the local level. The explanation is at once more simple and more practical; namely that as the problems we face are inescapably national, they cannot be solved by local or voluntary action. Pollution is a national problem, no one state can clean up the Mississippi River or the Great Lakes, regulate strip mining, or cleanse the air. Civil rights, medical and hospital care, drugs and mental health and crime, the urban blight, education, unemployment—these are not local but national in impact, and they will yield only to national programs of welfare and social justice. All of them are as national as defense, and all as essential to the well being of the nation, and not even Mr. Nixon or Secretary of Defense Richardson has proposed a return to the militia system, though that would be logical enough in the light of their philosophy.

Only the national government has the constitutional authority, the financial resources, the administrative talent and the statesmanship to deal with these problems on a national scale.

The Nixon-Richardson program is not a philosophy, it is a program. It is not a program, it is the fragmentation of a program.

CIA TO DISCONTINUE ASSISTANCE TO LOCAL POLICE

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, there have been several reports in the newspapers recently of technical assistance by the Central Intelligence Agency to local police officers in several metropolitan areas. This assistance was reported to be in the form of briefings, instructions, and demonstrations about techniques to detect explosives and wiretaps, conduct surveillance of individuals, and maintain intelligence files.

I should explain, Mr. Speaker, that police organizations of our big cities are not fenced off from the criminals who operate across national borders and in countries of their choosing. The police organization in a large city must maintain intelligence not only on domestic criminals but on foreign criminals who invade its precincts. Also, it must be informed of the latest developments in science and technology relating to crime detection and prevention and be proficient in analytical techniques for handling intelligence data.

To illustrate this point and show how the CIA became involved in this matter, the New York City police in 1972, with the assistance of the Ford Foundation, developed an analysis and evaluation unit within their Intelligence Division. It was at the suggestion of a Ford Foundation representative that the New York City police sought assistance from the CIA as to the best system for analyzing and evaluating intelligence data. Although the Agency's techniques and procedures involve only foreign intelligence, the techniques were considered basic and applicable to the needs of the New York City police. A 4-day briefing was arranged, and a group of New York City police was briefed on the theory and technique of analyzing and evaluating foreign intelligence data, the role of the analyst, and the handling and processing of foreign intelligence information. This briefing was given by a CIA training staff, based upon material used in training its own analysts, and without any significant added expense. The CIA did not give specific guidance on how the New York City police system should be set up, but rather presented its own basic approach, which could be applied as the local police organization saw fit.

The CIA assistance to local law enforcement agencies was generally of two types. First, Those in which the local police department sent one or two officers to the Agency to receive an hour or two of briefing or demonstration of techniques. For this purpose, police officers from six local or State jurisdictions came to CIA headquarters. Second, Those who sent officers for training and briefing lasting 2 or 3 days. Instruction was given in such techniques as record handling, clandestine photography, surveillance, and the use of explosives. For such instruction, officers were sent from nine metropoli-

tan or county jurisdictions. According to CIA information, less than 50 local police officers were involved in both types of assistance.

After several stories on this subject had appeared in the New York Times, the gentleman from New York (Mr. Koch) made a statement on the floor, which appeared in the CONGRESSIONAL RECORD of February 6, 1973—page H726. In a letter of the same date, the gentleman from New York sent me a copy of the statement and urged the Committee on Government Operations to investigate the matter. His primary concern was that by providing such technical assistance to local law enforcement officers, the CIA might be engaging in improper activities. The Agency's organic legislation—The National Security Act of 1947—bars the Agency from having police, subpoena, or law enforcement powers, or internal security functions.

The Agency's response to this charge was that the technical assistance provided to local law enforcement officers is authorized by, and fully consistent with, the congressional intent in the Omnibus Crime Control and Safe Streets Act of 1968, which favors Federal assistance to State and local jurisdictions in improving law enforcement and developing new methods for the prevention and reduction of crime. The act authorizes the Law Enforcement Assistance Administration to use the available services, equipment, personnel, and facilities of all Government agencies, military and civilian, in discharging its responsibilities of crime prevention and law enforcement.

Mr. Speaker, the CIA maintains that the assistance provided to local law enforcement officers was limited in extent and duration and made in response to local requests. There may be some argument as to whether the initiative in every single case was local, since the Agency may have offered some suggestions of its own or may have had some requests routed through the Law Enforcement Assistance Administration. Rather than quibble about such technicalities, I believe that we need to place this issue in a larger perspective. On the one hand, the public certainly favors, as does this Congress, the mobilization of every available Federal resource in the war against crime. On the other hand, there are certain policies and proprieties which must be observed. The CIA undoubtedly has great expertise and resources for improving domestic law enforcement, but that is not the Agency's mission. Other Federal agencies can do the job more appropriately.

Following inquiries made by our staff and in discussions with CIA representatives, it appeared to me that whereas the Agency had an understandable desire to be cooperative and to respond to local requests, these requests could become so popular and frequent that too great a demand would be put upon the Agency's resources which were designed for other purposes; and, more important, the Agency would be increasingly involved in activities contrary to the spirit and intent of its enabling legislation.

March 5, 1973

CONGRESSIONAL RECORD — HOUSE

H 1353

Accordingly, I addressed a letter to the newly appointed Director of the Central Intelligence Agency, the Honorable James R. Schlesinger, Jr., recommending that the Agency discontinue such assistance activities except in unusual and compelling circumstances and only upon approval by the Director. Provision for assistance in exceptional circumstances is warranted, in my judgment, I can conceive that in special situations, such as those involving foreign criminals or international drug traffickers, the President might call upon the CIA to assist in a particular effort, and the Director should not be completely estopped from providing such assistance. However, this should be the exception and not the rule.

My letter to the CIA Director also pointed out that the Intergovernmental Cooperation Act of 1968, reported from our committee, permits Federal agencies to provide specialized or technical services to State and local units of government. Requests for assistance must be made in writing, and there is a provision for summary reports to the Congress by the Federal assisting agency. A format developed in accordance with the provisions of this act would enable the Congress to be informed of such activities.

I am pleased to report, Mr. Speaker, that Mr. Schlesinger, the CIA Director, has responded affirmatively to my letter. He informs me that a review of Agency activities in this area has been instituted, and in the future such activities will be undertaken only in the most compelling circumstances and with his personal approval. For the information of the House, I enclose the exchange of correspondence with the CIA Director. Also, I want to thank the gentleman from New York (Mr. Koch) for pointing up some of the important issues involved in this matter. The exchange of correspondence follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT OPERATIONS,

Washington, D.C., February 23, 1973.

HON. JAMES R. SCHLESINGER,
Director, Central Intelligence Agency,
Washington, D.C.

DEAR MR. DIRECTOR: Recent newspaper reports that the Central Intelligence Agency has been "training" police officers from New York City and several other cities have led to a request by Representative Koch of New York that the Committee on Government Operations investigate this matter. Mr. Koch argues that since your agency is barred by the National Security Act of 1947 from internal security functions, the reported assistance given to local police officers is in violation of the law.

Your Legislative Counsel, Mr. John M. Maury, has rejoined in a letter to Representative Koch that the assistance activities in question were minimal, involving less than 50 officers, were in response to requests from the local jurisdiction, were not initiated by the Agency, were not considered to violate the letter or spirit of the above-mentioned National Security Act restrictions, and were well within the congressional intent as expressed in the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351). That Act favors Federal assistance to State and local governments in strengthening and improving law enforcement and authorizes the Law Enforcement Assistance Administration to use the resources of all Federal agencies, military and civilian, in carrying out its activities.

In discussions with members of your staff, we were advised that the so-called training was in the nature of short duration courses and orientation briefings. Whereas the Agency's desire to be cooperative and to respond to requests for assistance on matters within its special competence is understandable, two kinds of problems could be in the making. Requests for assistance could become so frequent as to generate a significant drain on resources needed for the performance of other functions. More important, an extension of assistance activities in this direction could involve the Agency improperly in domestic activities, contrary to its basic mission.

The sensitive nature of the Agency's work, and the mandate of its enabling legislation, to refrain from engaging in domestic law enforcement activities, would seem to compel a reconsideration of the recently publicized activities in question. To avoid possible misunderstandings and protracted controversies, I recommend that except in unusual or compelling circumstances and subject to your personal approval, the Agency discontinue providing such services to local law enforcement agencies.

In addition to requiring your personal approval, I would suggest also that whenever such specialized assistance is rendered by the Agency, a format be developed for receiving, evaluating, and reporting such requests. Since the Law Enforcement Assistance Administration is the agency primarily concerned with such matters, particularly where Federal assistance funds are involved, it would seem that the need for Federal agency assistance to local law enforcement agencies should be coordinated by that Administration.

Your attention is called also to legislation, reported from our committee, which became the Intergovernmental Cooperation Act of 1968 (Public Law 90-577; 82 Stat. 1102). This statute, as implemented by Budget Circular No. A-97, dated August 29, 1969, permits Federal agencies to provide specialized or technical services to State and local units of government. Requests for assistance must be in writing. There is also a provision for summary reports to Congress by the Federal assisting agency.

A format developed in accord with the provisions of this Act would enable the Congress to be informed of any specialized or technical services rendered by your Agency to State or local units of government.

Your consideration of the matter set forth above, and a reply, would be greatly appreciated. Please accept my best wishes as you undertake your new and vitally important assignment as Agency Director.

Sincerely yours,

CHET HOLIFIELD,
Chairman.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., March 1, 1973.

HON. CHET HOLIFIELD,
Chairman, Committee on Government Operations, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you very much for your letter of 23 February 1973. I appreciate your kind wishes as I undertake the job as Director of Central Intelligence.

As suggested in your letter I had already called for review of Agency activities which included the "so-called training" of municipal police. In keeping with the sensitivity of this matter I have directed that such activities be undertaken in the future only in the most compelling circumstances and with my personal approval. We will, of course, comply with applicable laws and regulations regarding coordination with other Federal agencies.

Sincerely,
JAMES R. SCHLESINGER,
Director.

THE CIA

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, I welcome this opportunity to express my appreciation to the gentleman from California for his fair-minded and measured statement in this matter. I agree with his assessment.

The House should be advised that when information first appeared describing training given by the CIA to some metropolitan police departments, the Special Intelligence Subcommittee of the House Armed Services Committee, of which I am the chairman, immediately took the matter under consideration.

We subsequently learned that an inquiry had been directed to the Government Operations Committee.

The circumstances under which my able colleague, Chairman HOLIFIELD, took action in this matter is understandable. He acted, in our judgment, with dispatch and discretion, and with our full knowledge and concurrence. The Intelligence Subcommittee has no quarrel with him. Nevertheless, and with all respect, it must be emphasized that the basic jurisdiction in CIA matters remains with the House Armed Services Committee and the subcommittee has been diligent in fulfilling its responsibilities.

I share the view that the CIA should refrain from domestic law enforcement activities and that some of the activities described by our colleague, Mr. Koch, and the agency itself, could have been performed much more appropriately by other agencies.

I am pleased, therefore, that the new Director of the CIA, Dr. James R. Schlesinger, in one of his first official acts, has made clear that such activities will be undertaken in the future only in the most compelling circumstances and with his personal approval.

RAYMOND J. STANLEY

(Mr. STAGGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, the name at the head of this column may not tax the public tongue every hour of every day. Yet the untimely passing of the urbane and talented gentleman who was its owner is of more than ordinary importance to the age which he served with devotion.

The commercial broadcasting industry is a glamour industry. Its ministering servants bask in public homage and thrive on showering wealth.

Not so with the educational broadcasting industry. It is a poverty industry, and those who serve it work in the obscurity of nonrecognition.

Yet both industries are supported by public money, in a sense. Educational broadcasting is supported largely by direct taxation. Commercial broadcasting is supported by advertising revenue, which acts as an unavoidable tax on all purchasers of modern commodities. Commercial broadcasting is largely concerned

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Congress of the United States
House of Representatives
Washington, D.C. 20515

Executive Registry

73-136

December 28, 1972

Richard Helms
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Helms:

I read with interest the report in the December 17th issue of the New York Times that 14 New York policemen have received training by the CIA. It is my understanding that the CIA is not permitted under existing law to engage in internal security functions. And yet, it would appear from the news story that the training of these police officers relates to the handling of information files, sometimes called dossiers, on individuals within the United States.

I should like to have responses to the following questions:

1. How many police officers from local police departments throughout the country have been similarly trained or received instruction of any kind by the CIA within the last two years? Please indicate the number of policemen from each city involved.
2. Describe the kind of training provided by the CIA to these police officers.
3. What was the cost involved in the training and who paid for it?
4. Does the CIA intend to continue the program of training local police officers?
5. Finally, pursuant to what section of the law is the CIA training local police officers, and for what purpose is the training provided?

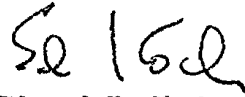
Richard Helms

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December 28, 1972

I would appreciate having this information as soon as possible for I believe it is extremely important that the Congress be informed on activities such as these.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed Koch", written in a cursive style.

Edward I. Koch
MC

EIK:rsa

OLC 73-0016/A

29 January 1973

Honorable Edward I. Koch
House of Representatives
Washington, D. C. 20515

Dear Mr. Koch:

This is in response to your letter to Mr. Helms of 28 December 1972, regarding a New York Times story describing some briefings which the Central Intelligence Agency has provided to the New York Police Department, and to your request during our telephone conversation on the same subject on 23 January 1973.

Regarding the first question in your letter, I do not have a precise figure but I can assure you that less than fifty police officers all told, from a total of about a dozen city and county police forces have received some kind of Agency briefing within the past two years.

These briefings have covered a variety of subjects such as the procedures for the processing, analyzing, filing and retrieving information, security devices and procedures, and metal and explosives detection techniques.

These briefings have been provided at no cost to the recipients. Since they have been accomplished merely by making available, insofar as their other duties permit, qualified Agency experts and instructors the cost to the Agency is minimal.

All of these briefings have been conducted in response to the requests of the various recipients. The Agency intends to continue to respond to such requests on matters within its competence and authority, and to the extent possible without interfering with its primary mission.

Regarding the Agency's authority to conduct such briefings, the National Security Act of 1947 (P. L. 80-253, as amended) specifically provides that "the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions." We do not consider that the activities in question violate the letter or spirit of these restrictions. In our judgment, they are entirely consistent with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (P. L. 90-351, 42 U.S. C.A. 3701 et seq). In enacting that law it was the declared policy and purpose of Congress "to assist State and local governments in strengthening and improving law enforcement at every level by national assistance" and to "...encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals" (42 U.S. C.A. 3701). By the same law Congress also authorized the Law Enforcement Assistance Administration to use available services, equipment, personnel and facilities of the Department of Justice and of "other civilian or military agencies and instrumentalities" of the Federal Government to carry out its function (42 U.S. C.A. 3756).

The identities of the individual police forces which have attended these briefings have, by mutual agreement, been kept confidential and I would therefore appreciate your treating the information I gave you in our conversation regarding these identities accordingly.

I trust the foregoing information is responsive to your interests, and I will be glad to discuss the matter with you further if you so desire.

Sincerely,

[Redacted Signature]

Legislative Counsel

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